

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**MARCUS WALKER, INDIVIDUALLY
AND ON BEHALF OF THE WRONGFUL
DEATH BENEFICIARIES OF
DE'AUBREY RAJHEEM ROSCOE,
DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO. 4:20CV156-GHD-JMV

**SHABRIDGET CALDWELL, CITY OF
INDIANOLA POLICE OFFICER,
INDIVIDUALLY AND IN HER OFFICIAL
CAPACITY; ET AL.**

DEFENDANTS

ORDER STAYING CERTAIN PROCEEDINGS

This case is before the Court pursuant to L.U.CIV.R. 16(b)(3)(B). Rule 16(b)(3)(B) provides:

[f]iling a motion to compel arbitration, or a motion asserting an immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

On March 3, 2021, Defendant Jonathan Upp filed a motion [71] to dismiss under Rule 12(b)(5) of the *Federal Rules of Civil Procedure*, alleging he has not been served with process in accordance with Rule 4 of the *Federal Rules of Civil Procedure*.¹ Therefore, because defendant's motion asserts a jurisdictional defense, all proceedings enumerated in Rule 16(b)(3)(B) are STAYED, pending a ruling on the jurisdictional defense motion. If a party

¹ "Unless the defendant has been served with process in accordance with FED. R. CIV. P. 4, a federal court lacks personal jurisdiction over the defendant." *Coleman v. Bank of New York Mellon*, 969 F. Supp. 2d 736, 745 (N.D. Tex. 2013) (citations omitted).

desires that any stayed matter proceed, it must file a motion requesting same within fourteen (14) days of the date of this order.

SO ORDERED this 4th day of March, 2021.

/s/ Jane M. Virden

U.S. Magistrate Judge